

REMARKS

Claims 1-14 are pending in the current application. In an Office Action dated May 7, 2004, the Examiner rejected claims 13-14, 1, 2-6, 3, and 4 under 35 U.S.C. §112, second paragraph, rejected claims 1-6 under 35 U.S.C. §102(e) as being anticipated by Chung et al., U.S. Patent No. 6,628,963 ("Chung"), and apparently also rejected claims 7-14 under 35 U.S.C. §102(e) without explicitly stating so.

In the above amendment, Applicants' representative has amended claims 13-14 to address the Examiner's 35 U.S.C. §112, second paragraph rejection. Also, in the above amendment, Applicants' representative has amended claim 1 to address the Examiner's 35 U.S.C. §112, second paragraph rejection of claim 1. In the Examiner's rejection of claims 2-6 under 35 U.S.C. §112, second paragraph, the Examiner states that there is insufficient antecedent basis for "the circuit board." Applicants' representative fails to understand this rejection. The second element of originally filed and currently amended claim 1 reads: "a circuit board within the housing." Similarly, the Examiner's rejects claims 3 and 4 under 35 U.S.C. §112, second paragraph, as having insufficient antecedent basis for the phrase "the user." This rejection is also not understood by Applicants' representative, since the first element of claim 1 reads: "a housing sized to be held by a user." Applicants' representative respectfully traverses the 35 U.S.C. §102(e) rejections of claims 1-14.

In the current application, beginning on line 25 of page 20, a media interface manager ("MIM") and a CODEC manager are described. An interface manager is responsible for loading 'skins,' which are the visible portion of the system that is viewed and operated by a user. The interface manager is also responsible for displaying and updating controls on the touch-sensitive display and sending messages about controls, such as button clicks, and the movement of the scroll bar to the MIM. Beginning on line 3 of page 23 of the current application, the current application states that, although illustrated in Figure 12 as a single MIM, the system typically instantiates a MIM for each CODEC type. Corresponding to these sections of the current application, claim 1 includes the element "a plurality of display managers to control display of data, the processor selecting one of the display managers based on the data type wherein the selected CODEC and the selected display manager are both

selected on the basis of data type."

The Examiner does not specifically provide a detailed rejection of claim 1 in the Office Action. Applicants' representative assumes that section 9 of the Office Action is directed to claim 1. In that section, the Examiner fails to discuss the "plurality of display managers" element of claim 1. Applicants' representative cannot find a teaching, disclosure, mention, or suggestion of multiple display managers that can be selected by the processor, in Chung's portable multi-media device, for association with a particular type of CODEC, based on a data type. The only component even remotely similar to a display manager in Chung is Chung's image outputting section (50 in Figure 3), but Chung does not indicate selection of this outputting section based on data type. Moreover, there is not a plurality of outputting sections discussed or suggested in Chung. Claim 1 also claims "a plurality of CODECs to process the digital data and to convert the digital data to audio data, the processor selecting one of the plurality of CODECs based on the data type." Chung does not teach, disclose, mention, or suggest multiple audio CODECs. Instead Chung discloses only a single audio CODEC, (80 in Figure 3). Chung does not teach, mention, or suggest selection of a single audio CODEC from among a plurality of audio CODECs based on a data type.

As stated in MPEP § 2131, and in many different Federal circuit opinions:

"[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil CO. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

For these reasons discussed in the preceding paragraph, Chung cannot possibly anticipate claim 1, or claims 2-6 that depend from claim 1. Chung fails to teach, disclose, mention, or suggest "a plurality of CODECs to process the digital data and to convert the digital data to audio data, the processor selecting one of the plurality of CODECs based on the data type" and fails to teach, disclose, mention, or suggest a "plurality of display managers." Claim 7 includes the element "displaying data in a

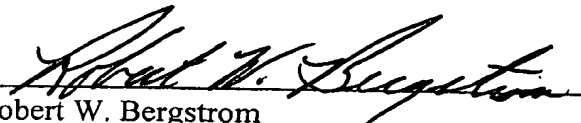
predetermined format selected for proper operation of the selected CODEC." The current application discusses, beginning on line 25 of page 20, MIMs, CODEC managers, and skins. Beginning on line 12 of page 26, the current application discusses that a proper MIM, CODEC, and skin needs to be selected for rendering a particular data file based on a data type gleaned from the data type. The MIM, skin, and CODEC effectively determine the predetermined format discussed in the above-quoted element of claim 7. Chung does not teach, mention, or suggest predetermined formats selected for proper operation of each of multiple CODECs. For this reason, Chung cannot possibly anticipate claim 7, or claims 8-10 that depend from claim 7. Claim 11, and claims 12-14 that depend from claim 11, also include the language discussed above with respect to claim 7.

In Applicant's representative's opinion, all of the claims remaining in the current application are clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

Mark E. Phillips et al.

OLYMPIC PATENT WORKS PLLC


Robert W. Bergstrom
Registration No. 39,906

Enclosures:

- Postcard
- Check
- Petition to Revive in duplicate
- Change of Address/Docket No.
- Revocation and Substitute Power of Attorney
- Transmittal in duplicate
- Assignment
- Form PTO/1595 in duplicate

Olympic Patent Works PLLC
P.O. Box 4277
Seattle, WA 98194-0277
206.621.1933 telephone
206.621.5302 fax